Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: March 25, 1955

FROM : L. B. Nichols

SUBJECT:

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm

D.C.

For record purposes, I desire to advise that I called on Deputy Attorney General William Rogers on the morning of March 25, 1955, and referred him to the testimony of Mr. Warren Olney on March 23, 1955, and the news items which have appeared since then, particularly the Washington news stories on March 24 and the New York Post story of March 24. I told Mr. Rogers that it would appear from the stories that Mr. Olney bungled the situation badly and I referred, for example, to questions directed to Mr. Olney as to the legal authorization for the tapping and Mr. Olney's reply that it was based upon administrative law inherited from past administrations which the Attorney General could not reverse. I pointed out to Rogers that the Committee jumped on this, according to the news accounts, when, as a matter of fact, the present practice was based upon a directive from the late President Roosevelt. Rogers stated he thought that Olney developed all this before the Committee, and from what reports he had received, Olney had done a good job. I told Rogers this could not have conceivably been the case as reflected by the news comments.

I then pointed out that the Committee had raised the question as to the number of people who had access to wire tap information and that this could very simply have been handled by pointing out that everything was handled in the Bureau on a need-to-know basis and a relatively small number of people would have access to wire tap information. However, this was not done and, accordingly, Celler went off on a tangent and accused the FBI of being loath to appear, conveying the impression we had something to conceal and then started making his demands for information.

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I told Rogers that it appeared that before this situation gets out of control that either he or the Attorney General should get in touch with Celler and inquire as to what specific information Celler wants and that the Attorney General should then furnish such information as possible which would be consistent with the public interest.

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cc: Mr. Boardman
Mr. Belmont

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Rogers stated that Celler was trying to embarrass the Administration; that he seriously doubted the advisability of contacting Celler.

He then referred to Celler's comment about the Bureau's being loath to appear. I told Rogers I talked to Celler since, after all, Celler put out a press release calling the Director; that Celler very well knew the Director does not inject himself into policy matters or legislative matters and that this was pointed out to Celler. Celler then raised the question of the Director's coming before the Committee in Executive Session. Celler was told this would be inadvisable since policy matters were involved and that the Bureau could not inject itself into legislative matters, but Celler pointed out that the hearings were not all involved with legislation. I told him that even so, policy considerations were involved and Celler seemed to be perfectly satisfied at the time.

Rogers then pointed out that he thought that Celler was trying to make capital with the New York Post and that it would be best to sit by for a couple of days and see what Celler did; that they could then consider contacting Celler if he popped off again.

I then inquired of Rogers as to what the position of the Department would be with reference to Celler's request that Olney confer with the Attorney General and secure the information which Celler apparently outlined to Olney. Rogers stated this might be the way to handle the situation. He called Olney. Olney stated he was waiting for a transcript; that Celler had requested certain information. Rogers then stated that Olney would get the transcript and would be in touch with us and that we would see anything that the Department sent out prior to its being sent out.

I then pointed out to Rogers that it appeared in view of the manner in which Olney had bungled the matter that a demand might be made for the Director to testify. I pointed out that if the Director were forced to go up before Celler's Committee and testify on wire tapping which really involved top secret matters that a precedent would be established and they could get the Director up before any committee for any purpose. Rogers stated that he thought that if a demand were made for the Director, a firm stand should be taken and either the Attorney General or he would say flatly that the Department would not agree to permitting Mr. Hoover to testify on matters involving such high security classification as wire tapping. I pointed out to Rogers that if the Director were before the

Committee and were asked questions, that obviously the Director would know the answers and could be compelled to testify unless he were operating under a directive. Rogers stated that the Department simply could not let the Director get in that position; that they would just have to flatly say no to the Committee on the grounds that the Bureau's usefulness could be impaired by forcing a disclosure.

Rogers stated that we should not worry about this unnecessarily. He also stated he would keep after Olney and see that we got a transcript of the testimony and that it was made available to us and that the Bureau by consulted on the Departmental reply.

Late on Friday afternoon, Olney called me and stated that he had now received the testimony. He would like to send it up for us to look at from two standpoints. In the first instance, he has been given permission to correct the testimony and he wants us to read it from the standpoint of any statements he makes regarding the Bureau and if he is in error, he asked that we call this to his attention in order that he can take steps to correct the testimony. He then stated that Celler did make a demand that he confer with the Attorney General and furnish certain information to the Committee. He stated he would confer with the Attorney General but he has made no commitment to furnish information to the Committee, and that he wanted us to give our reasons for not furnishing information on specific questions to the Committee if such information should not be furnished. He stated he would not send our memorandum to the Committee. He would not quote us, but he merely wanted the benefit of our ideas. He stated that he, himself, would write the letter, and that he felt that it would be impossible to answer the Committee's request for information as to do so would strike at the very heart of our operation and if we once started answering such matters, we would never get through. He seriously questioned whether any of the information requested by Celler should be made public.

I told him that we would look at the testimony and then determine the next course. I made no other commitment than this. I felt obligated in view of the strong representation which I made to Rogers to furnish such information as was consistent with the public interest to Celler to see exactly what the questions were and what questions had been raised. I felt further it would be desirable to do this from the standpoint of finding out exactly what Olney had said so that if he had made mistakes which inaccurately portrayed the Bureau's activities, that

these mistakes could be corrected and not perpetrated and circulated in printed testimony; and finally, I felt it desirable to see the testimony to be sure that we had things covered in the event the Director was ever forced to testify. The testimony is being reviewed and handled by separate memorandum.